



**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

RILEY

Art Unit:

Application No.: 10/726,524

Examiner:

Filed: December 4, 2003

Attorney Dkt. No.: 10442-0100DV

For: METHODS FOR EXTINGUISHING PETROLEUM-BASED FIRES, SUPPRESSING  
PETROLEUM-RELEASED VAPORS AND CLEANING PETROLEUM-CONTAMINATED  
SURFACES

**RESPONSE TO NOTICE OF OMITTED ITEMS AND PETITION TO ACCEPT FILING  
DATE AND SUBSTITUTE SPECIFICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to Notice of Omitted Items of March 4, 2004, Applicant petitions for acceptance of the substitute specification submitted concurrently herewith and the application filing date of December 4, 2003.

The basis for Applicant's petition to accept the substitute specification is the fact that this application was filed as a divisional application of parent application no. 09/987,234. As part of this filing, the transmittal form incorporated by reference the entire disclosure of the parent application, and a copy of the transmittal form is attached herewith evidencing this incorporation. Moreover, the cited incorporation clause expressly addresses the instant situation and is intended to be relied upon when a portion of the as-filed application has been inadvertently submitted.

05/06/2004 MAHMED1 00000099 501088 10726524

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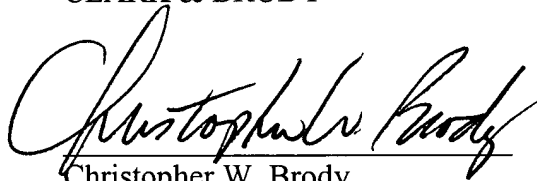
Serial No. 10/726,524

In light of the language found in the transmittal sheet, Applicant contends that submission of the substitute specification is proper, and this substitute specification and the filing date of December 4, 2003 should be accepted.

In connection with this Petition, Applicant is herewith attaching by separate paper a substitute specification for entry into this application.

If necessary, authorization is given to charge deposit account number 50-1088 the cost of a petition fee of \$130.00. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 50-1088.

Respectfully submitted,  
CLARK & BRODY

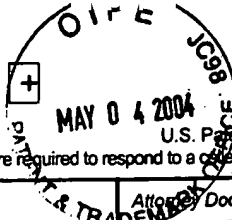
A handwritten signature in cursive script, appearing to read "Christopher W. Brody", written over a horizontal line.

Christopher W. Brody  
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Docket No.: 10442-0100DV  
Date: May 4, 2003

Please type a plus sign (+) inside box →



PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new non-provisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 10442-0100DV

First Inventor Peter RILEY

Title

METHODS FOR EXTINGUISHING PETROLEUM-BASED  
FIRES, SUPPRESSING PETROLEUM-RELEASED  
VAPORS AND CLEANING PETROLEUM-CONTAMINATED  
SURFACES

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 40]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the invention
  - Brief Summary of the invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) Total Sheets
5. Oath or Declaration Total Sheets 
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)
    - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO:

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P.O. Box 1450  
Alexandria, VA 22313-1450

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of  
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☐ Copies of IDS  
Statement (IDS)/PTO-1449 Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Non-publication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.
17. ☐ Other: \_\_\_\_\_

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

of prior application No: 09/ 987,234

Prior application information:

Examiner Lovering, Richard D.

Group / Art Unit: 1712

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

22902

or ☐ Correspondence address below

[PLACE BARCODE HERE]

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Christopher W. Brody

Registration No. (Attorney/Agent)

33,613

Signature

*Christopher W. Brody*

Date

December 4, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.